



# Appeals and State Hearings Newsletter

website: [www.ladpss.org](http://www.ladpss.org)

August 2003

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Los Angeles, CA 90037



## New Faces at ASH

Congratulations to the 20 new Appeals Hearing Specialists (AHS) who were recently hired from the AHS list promulgated in June 2003. As more openings come up, future appointments will be made. The new AHSs look forward to interacting with line staff...



## Reading a State Hearing Decision

In the last issue, we described the cover letter of a state hearing decision issued by a State Administrative Law Judge (ALJ). Here is the rest of the story...

The body of the decision starts out with the **"Summary"** which is a brief description of the action being disputed and may include the ALJ's ruling on the appealed issue. The next section is the **"Facts"** where the ALJ restates the discussions held at the hearing including basic case data. The **"Law"** portion cites the regulations related to the issue at hand. The ALJ explains and justifies his rendered opinion in the **"Conclusion"** section. Last and most important is the **"Order"** which clearly states if the decision was denied, granted or partially granted/denied. It also specifies the conditions and requirements needed to comply with the order of the decision. If the claim is granted in favor of the claimant, the County has to comply with the order within 30 calendar days from receipt of the decision.

In our next issue, we'll discuss how compliance are tracked and reported.

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## Dear ASHLEY

Dear "ASHley":

I am a District Appeals Liaison EW and the ASH Specialist is asking me to rescind a Notice of Action. What must I do and why is ASH asking me to do this?? Signed: "To Rescind or Not to Rescind"

Dear "Rescind":

You need to send a new NOA telling the participant that the action proposed on the prior NOA (give date) regarding the action to be taken (specify the negative action including benefit amount or eligibility changes) is being rescinded (cancelled). You will also have to make the required LEADER, GEARS or CMIPS changes to stop the action proposed on the original NOA. There are times when ASH must take this approach to safeguard County funds. For example, if an overpayment action cannot be defended at the time of the hearing, the rescission action allows the Specialist to ask for a dismissal as no negative action has been taken. If the hearing takes place and the Specialist cannot provide evidence to support the overpayment, the ALJ may rule in favor of the claimant and the County would no longer be able to collect the overpayment and we may be ordered to return any collections already made. The rescission action cancels the notification but does not cancel the overpayment. The County can pursue collection again at a later date when another proper notice is issued.



Case Correction Memos (PA 411) sent by ASH to district offices now identify potential Food Stamp errors. If the issue involves Food Stamps, a notation on the upper right hand corner of the PA 411 alerts districts that the case in question may have a potential Food Stamp error!



In July 2003, there were 239 PA 411s with FS alert notations. Remember that a corrected case means one less error case!!!